REMARKS/ARGUMENTS

Reexamination of the captioned application is respectfully requested.

A. SUMMARY OF THIS AMENDMENT

By the current amendment, Applicants basically:

      1.   Editorially amend the specification.

      2.   Cancel claims 16-19 without prejudice or disclaimer.

      3.   Amend claims 14, 20, 22 and 24-25.

      4.   Add new claim 27.

      5.   Respectfully traverse all prior art rejections.

B. PATENTABILITY OF THE CLAIMS

In the Office Action, Examiner:

- rejects claims 14-16, 21, 23 and 25-26 under 35 USC 103(a) as being unpatentable over U.S. Publication 2002/0163932 to Fischer et al (hereinafter "Fischer") in view of U.S. Publication 2004/0151158 to Gannage et al (hereinafter "Gannage");

- rejects claims 17-20, 22 and 24 under 35 USC §103(a) as being unpatentable over Fischer in combination Gannage in view of U.S. Publication 2003/0117972 to Vimpari.

Applicant respectfully traverses. In the Office Action, the Examiner rejects claims 14 to 16, 21, 23 and 25 to 26 as being unpatentable over Fischer

in view of Gannage. The Examiner argues that Fischer discloses all the features

of claim 14, with the exception of the involvement of a Media Resource

Function (MRF). In addition to the Media Resource Function, Fischer fails to

disclose other claimed features.

Fischer relates to a method of reducing latency and minimizing loss of

Voice over IP (VOIP) packets by synchronizing a clock in a VoIP handset with a

reference clock in the network carrying the packets. In Fischer, the analog

telephone signal is "sampled" for digital conversion. Thus, whilst Fischer

discloses that a minimum "voice sample loss rate" must be maintained, this is

the rate at which digital samples of the analogue voice data are lost due to

synchronization issues (see paragraphs 366, 372 to 376, 401, 402, 408 and

409).

Fischer does not disclose that the rate of packet loss on the link must be

sampled, and therefore also does not disclose that the sending rate on the link

is adapted in dependence upon the sampled values. Fischer therefore does not

disclose any of the key features of independent claim 14.

With regard to Gannage, this document discloses a method of

transferring audio content from a sender to a recipient by sending segments of

audio using an instant messaging protocol (see paragraph 11). Gannett is

merely relied upon to disclose an MRF for handing Push to Talk (PTT) services.

Examiner correctly does not rely upon Gannage to disclose other claimed

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features of claim 14. Since Fischer also lacks these features, independent claim 14 is distinguishable over Fischer and Gannage.

Vampiri does not correct the above noted deficiencies of Fischer and Gannage. Vimpari discloses a method for minimizing the Frame error rate of RTP packets sent over a packet-switched communications network (see paragraph 17). According to Vimpari, the Frame error rate (FER) is calculated for each RTP packet and the length of the packet changed depending on the FER (see paragraphs 31, 36 and 38). However, the FER is a measure of the number of frames that contain an error (see paragraph 8), and not the packet loss rate.

Furthermore, as Vimpari is aimed at reducing the FER and not optimizing bandwidth usage, Vimpari discloses that the length of the packet is reduced, and therefore the media sending rate is increased, as the FER increases (see paragraph 31). In contrast, claims 14 requires that the media sending rate is decreased as the packet loss rate increases.

For at least the above stated reasons, independent claim 14 is distinguishable over any combination of Fischer, Gannage and Vampiri. For similar reasons, independent claim 25 is also distinguishable over any combination of Fischer, Gannage and Vampiri. Claims dependent from independent claim 14 are distinguishable over the same references by virtue of their dependencies from independent claims as well as on their own merit.

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Regarding independent claim 26, it is demonstrated above that Fischer does not disclose that the rate of packet loss on the link must be sampled. Therefore, Fischer cannot disclose a User Equipment with having means for sending the sampled rate or an analysis of that rate to the Media Resource Function. Gannage and Vampiri, individually or together, do not correct these deficiencies. Therefore, claim 26 is distinguishable over any combination of Fischer, Gannage and Vampiri.

Applicant respectfully requests that the rejection of claims based on Fischer, Gannage and Vampiri be withdrawn.

C. NEW CLAIM

Claim 27 is added in this Amendment. Support may be found in at least *page 4, lines 5-8 and page 6, line 27 – page 7, line 10.* Therefore, no new matter is presented. Applicant submits that the new claim is distinguishable by virtue of its dependency from claim 26 as well as on its own merits, and respectfully request that the new claim be allowed.

D. MISCELLANEOUS

In view of the foregoing and other considerations, all claims are deemed in condition for allowance. A formal indication of allowability is earnestly requested.
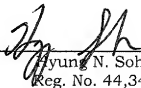
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The Commissioner is authorized to charge the undersigned's deposit account #14-1140 in whatever amount is necessary for entry of these papers and the continued pendency of the captioned application.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____
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